



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,736	05/18/2000	Michael V. Leman	MPATENT.158A	9808

20995 7590 04/18/2003

KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER

BROWN, VERNAL U

ART UNIT	PAPER NUMBER
----------	--------------

2635

DATE MAILED: 04/18/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/574,736

Applicant(s)

LEMAN ET AL.

Examiner

Vernal U Brown

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-17 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is responsive to communication filed on February 6, 2003.

#### ***Response to Amendment***

The examiner has acknowledged the cancellation of claims 3 and 6 and the amendment of claims 1, 5, 11, and 17.

#### ***Response to Arguments***

Applicant's arguments filed on February 6, 2003 have been fully considered but are moot in light of grounds for new rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-7, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ha U.S Patent 5948084 in view of Terubumi Japanese Patent JP 409282065 and further in view of Seal U.S Patent 6396438.

Regarding claims 1 and 5, Ha teaches a remote control computer (col. 1 lines 21-22) comprising a computer (230) having a wireless receiver (210), a hand held controller (100) comprising a wireless transmitter (figure 1). Ha further teaches the remote control transmitter

Art Unit: 2635

sends a signal to the computer to drive application software for performing an intended function (col. 1 lines 35-39) and on/off button to perform power on sequence (col. 3 line 34). Ha is however silent on teaching the computer is configured to perform a power on sequence before launching a user-defined application program and the wireless transmitter has a communication range of 200 to 500 feet. Terubumi in an art related Personal Computer Operation Learning Reproducing System invention teaches a computer configured by a hand-held controller (104) to perform a power on (start) sequence before launching a user-defined application program (abstract). Terubumi is also silent on teaching the wireless transmitter has a communication range of 200 to 500 feet. Seal in an art related invention in the same field of endeavor of wireless transmission teaches the transmission of control signal in a range greater than 100 feet (col. 1 lines 56-57).

It would have been obvious to one of ordinary skill in the art to perform a power on sequence and to launch a user-defined application in response to receiving a an input signal in Ha because Ha suggests a computer having a wireless remote for launching application program and further having a on/off button for powering the computer and combining the functional keys of the keyboard into remote control function and Terubumi teaches powering on a computer and launch an application based on the content of a message wirelessly received in order to control the computer from a remote location and Seal further teaches the transmission of control signal in a range greater than 100 feet .

Regarding claim 4, Ha teaches a user selecting a desired key on the remote unit and a corresponding application is launched in the computer based on the selected key (col. 3 lines 14-25). The hand held controller therefore comprises more than one button and the computer

Art Unit: 2635

responds accordingly to the actuation of hand held remote control button. Ha also teaches the remote controller having an on/off button (col. 3 line 34).

Regarding claim 6, Ha teaches the analysis of the key signal to select an application for launch (col. 3 lines 19-25).

Regarding claims 7 and 16, Ha in view of Terubumi in view of Ha is silent on teaching the wireless transmitter and receiver have a communication range of approximately 200 to 500 feet. Seal in an art related System And Method For Locating Radio Frequency Identification Tags invention teaches radio frequency transmitter and receiver having communication range greater than 100 feet (col. 1 lines 56-57).

It would have been obvious to one of ordinary skill in the art for the transmitter and receiver to have communication range between 200 and 500 feet because Ha in view of Terubumi teaches a computer with wireless remote control and Seal teaches radio frequency transmitters and receivers with communication range greater than 100 feet in order to remotely control a computer from a communication range of up to about 500 feet.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ha U.S Patent 5948084 in view of Terubumi Japanese Patent JP 409282065 in view of Seal U.S Patent 6396438 and further in view of Nelson et al. U.S Patent 6311282.

Regarding claim 2, Ha in view of Terubumi in view of Seal teaches wireless transmission of a remote control signal to a computer but is silent on teaching the wireless transmitter and receiver are configured for radio frequency transmission. Nelson et al. in an art related Method And Apparatus For Computing Device With Status Display invention teaches the computer having RF modem for receiving command (col. 7 lines 39-40).

It would have been obvious to one of ordinary skill in the art to configure the transmitter and receiver for radio frequency transmission in Ha in view of Terubumi in view of Seal teaches as evidenced by Nelson et al. because Ha in view of Terubumi in view of Seal suggests a computer system with wireless remote controller and Nelson et al. teaches a RF modem receiving command messages that enables the control of a computer by a portable unit and radio frequency communication is widely used as a means of transmitting signal between a transmitter and receive.

Claims 8-10, 14-15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ha U.S Patent 5948084 in view of Terubumi Japanese Patent JP 409282065.

Regarding claim 8, Ha teaches a user selecting a desired key on the remote unit and a corresponding application is launch in the computer based on the selected key (col. 3 lines 14-25). The hand held controller therefore comprises more than one button and the computer responds accordingly to the actuation of hand held remote control buttons and the analysis of the key signal to select an application program to launch (col. 3 lines 19-25) and also on/off key for powering the computer col. 3 line 34). Ha is however silent on teaching that the computer is configured to perform a power on sequence before launching a user-defined application program and the computer comprising a radio frequency receiver. Terubumi in an art related Personal Computer Operation Learning Reproducing System invention teaches a computer configured by a hand-held controller (104) to perform a power on (start) sequence before launching a user-defined application program (abstract).

It would have been obvious to one of ordinary skill in the art to perform a power on sequence and to launch a user-defined application in response to receiving an input signal in Ha because Ha suggests a computer having a wireless remote for launching application program and further having an on/off button for powering the computer and combining the functional keys of the keyboard into remote control function and Terubumi teaches powering on a computer and launch an application based on the content of a message wirelessly received in order to control the computer from a remote location.

Regarding claim 9, Ha teaches the analysis of the key signal to select an application for launch (col. 3 lines 19-25) permitting the launch of different application program based on the selected key.

Regarding claim 10, Ha teaches the remote unit having an on/off button for sending control signal to the computer (col. 3 line 34). Ha further teaches launching different programs on the computer based on the remote key selected (col. 3 lines 14-25). Ha is however silent on teaching powering down the computer and the wireless transmitter/ receiver having a communication range of approximately 200 to 500 feet, placing the computer in the on state after receiving the command from the remote controller. Nelson et al. in an art related Method And Apparatus For Computing Device With Status Display invention teaches a computer resuming from a suspended state and launching an application program based on the content of a received paging message (col. 6 lines 25-35). Terubumi in an art related Personal Computer Operation Learning Reproducing System invention teaches a computer configured by a hand-held

Art Unit: 2635

controller (104) to perform a power on (start) sequence before launching a user-defined application program (abstract).

It would have been obvious to one of ordinary skill in the art to perform a power on sequence and to launch a user-defined application in response to receiving an input signal in Ha because Ha suggests a computer having a wireless remote for launching application program and further having a on/off button for powering the computer and combining the functional keys of the keyboard into remote control function and Terubumi teaches powering on a computer and launch an application based on the content of a message wirelessly received in order to control the computer from a remote location.

Regarding claims 14 and 15, Ha teaches a user selecting a desired key on the remote unit and a corresponding application is launch in the computer based on the selected key (col. 3 lines 14-25). The hand held controller therefore comprises more than one button and the computer responds accordingly to the actuation of hand held remote control button. Ha also teaches the remote unit having on/off button for powering the computer (col. 3 line 34). Ha is however silent on teaching the computer is configured to perform a power on sequence before launching a user-defined application program. Terubumi in an art related Personal Computer Operation Learning Reproducing System invention teaches a computer configured by a hand-held controller (104) to perform a power on (start) sequence before launching a user-defined application program (abstract).

It would have been obvious to one of ordinary skill in the art to perform a power on sequence and to launch a user-defined application in response to receiving an input signal in Ha because Ha suggests a computer having a wireless remote for launching application program and



Art Unit: 2635

further having a on/off button for powering the computer and combining the functional keys of the keyboard into remote control function and Terubumi teaches powering on a computer and launch an application based on the content of a message wirelessly received in order to control the computer from a remote location.

Regarding claim 19, Ha teaches a computer system comprising a computer (230), application program configured to operate in the computer (col. 3 lines 16-19), and a remote transmitter configured to send signal to the computer causing at least one application program to be launched (col. 3 lines 23-25). Ha also teaches having combine key function including on/off button (col. 3 lines 34-36) but is silent on teaching the sending of one signal causing power to be applied from the power source to the computer and causing at least one application program to be launched on the computer. Ha is however silent on teaching the computer is configured to perform a power on sequence before launching a user-defined application program. Terubumi in an art related Personal Computer Operation Learning Reproducing System invention teaches a computer configured by a hand-held controller (104) to perform a power on (start) sequence before launching a user-defined application program (abstract).

It would have been obvious to one of ordinary skill in the art to perform a power on sequence and to launch a user-defined application in response to receiving a an input signal in Ha because Ha suggests a computer having a wireless remote for launching application program and further having a on/off button for powering the computer and combining the functional keys of the keyboard into remote control function and Terubumi teaches powering on a computer and

Art Unit: 2635

launch an application based on the content of a message wirelessly received in order to control the computer from a remote location.

Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ha U.S. Patent 5948084 in view of Flick U.S. Patent 6392534.

Regarding claim 11, Ha teaches a remote control device (100) for a personal computer containing wireless signal transmission circuitry for communicating with wireless signal receiving circuitry (210) but is silent on teaching the a hand held housing comprising an attachment device for connecting the remote control device to a key ring. Flick in an invention in the same field of endeavor of remote control teaches a remote unit having an attached key ring (figure 1).

It would have been obvious to one of ordinary skill in the art to have a hand held housing comprising an attachment device for connecting the remote control device to a key ring in Ha as evidenced by Flick because Ha suggests a portable remote unit for controlling a computer remotely and Flick teaches a remote unit with a housing for connecting the remote control device to a key ring as a matter of convenience. It is also a common practice to attach a hand held remote controller to a key ring.

Regarding claim 12, Ha teaches a user selecting a desired key on the remote unit and corresponding application is launch in the computer based on the selected key (col. 3 lines 14-25). The hand held controller therefore comprises more than one button and the computer responds accordingly to the actuation of hand held remote control button.

Art Unit: 2635

Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ha U.S Patent 5948084 in view of Flick U.S Patent 6392534 and further in view of Seal U.S Patent 6396438.

Regarding claim 13, Ha in view of Flick is silent on teaching the wireless transmitter and receiver has a communication range of approximately 200 to 500 feet. Seal in an art related System And Method For Locating Radio Frequency Identification Tags invention teaches radio frequency transmitter and receiver having communication range greater than 100 feet (col. 1 lines 56-57).

It would have been obvious to one of ordinary skill in the art for the transmitter and receiver to have communication range between 200 and 500 feet because Ha in view of Flick teaches a computer with wireless remote control and Seal teaches radio frequency transmitters and receivers with communication range greater than 100 feet in order to remotely control a computer from a communication range of up to about 500 feet.

Regarding claim 17, Ha teaches a computer system comprising a computer (230) that inherently comprises a power supply and storage device and a hand held remote controller with on/off button (col. 3 line 34) but is silent on teaching launching an application program from a distant of a bout 200 to 500 feet. Seal in an art related System And Method For Locating Radio Frequency Identification Tags invention teaches radio frequency transmitter and receiver having communication range greater than 100 feet (col. 1 lines 56-57).

Art Unit: 2635


It would have been obvious to one of ordinary skill in the art for the transmitter and receiver to have communication range between 200 and 500 feet because Ha in view of Flick teaches a computer with wireless remote control and Seal teaches radio frequency transmitters and receivers with communication range greater than 100 feet in order to remotely control a computer from a communication range of up to about 500 feet.


*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-F, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
Vernal Brown  
April 17, 2003

  
BRIAN ZIMMERMAN  
PRIMARY EXAMINER